



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

Number: 78-5

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USE OF DESCRIPTIVE TERMS ON WINE LABELS

Proprietors of Bonded Wine Cellars,
Taxpaid Wine Bottling Houses,
Importers, and Others Concerned:

Purpose. The purpose of this circular is to inform industry members that ATF Ruling 78-4 will be published in the April issue of the Alcohol, Tobacco and Firearms Bulletin. This ruling will supersede ATF Ruling 77-6 and will read substantially as follows:

The Bureau of Alcohol, Tobacco and Firearms has been asked to reconsider its position regarding the authorized use of specific descriptive terms on a wine label which are intended to indicate a higher sugar content for the grapes used in the wine. Presently, the Bureau allows terms such as "Late Harvest," "Late Picked," "Botrytis Infected," "Pourriture Noble," "Ice Wine," and acceptable variations thereof, without further qualification.

27 CFR 4.39(a) of the regulations implementing section 5(e) of the Federal Alcohol Administration Act [27 U.S.C. 205(e)], prohibits the use of any label containing a statement on a wine container which is likely to mislead or deceive consumers about the wine product therein.

27 CFR 4.38(f) of the regulations provides that labels may contain information other than the mandatory label information, provided such information does not conflict with, nor in any manner qualify statements required by any regulations promulgated under the Act.

27 CFR 240.975 defines total solids content as the degrees Brix of the dealcoholized wine.

27 CFR 240.972, 240.973 and 240.974 describe the procedures to be used in determining the degrees Brix of juice and dealcoholized wine.

Since terms such as "Late Harvest," "Late Picked," "Botrytis Infected," "Pourriture Noble," "Ice Wine," and variations thereof, are subject to several different interpretations, the Bureau has determined that the use of such terms on a wine label without qualification is likely to mislead the consumer as to the identity of the wine.

Held, in accordance with the requirements of 27 CFR 4.38(f), the Bureau will approve the use of the terms "Late Harvest" and "Late Picked" and acceptable variations thereof, for appearance on labels for grape wine, provided the amount of sugar contained in the grapes at the time of harvest and the amount of residual sugar in the finished wine are accurately stated on a front or back label for the product. The amount of sugar may be stated in degrees Brix, percent by weight, grams per 100 ml. or grams per liter, but must be stated in the same kind of measure for both the sugar content of the juice and the residual sugar content of the finished wine. When degrees Brix are used, the provisions of 27 CFR 240.972 through 240.975 apply.

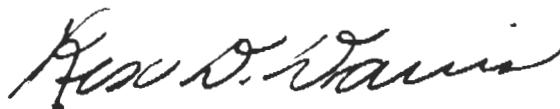
The terms "Botrytis Infected," "Pourriture Noble" and other synonyms for infection by the botrytis cinerea mold will be acceptable on labels for wine made from grapes which have been infected with the mold, provided the labels bear the statements of sugar content as required for "Late Harvest" and "Late Picked" wines.

The term "Ice Wine" may appear on labels for wine made from grapes which have been partially frozen on the vine, provided the labels bear the statements of sugar content as required above for "Late Harvest" and "Late Picked" wines.

Held further, except for vintage wine, harvest or picking dates may not be stated on labels since such dates would have little meaning due to variations of growing locations, grape varieties, and climatic conditions, and could likely mislead the consumer into believing the wine is vintage wine.

These requirements are effective immediately and apply to all new label applications using the terms permitted herein.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC, 20226.



Director